

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

BUILDING MANAGEMENT ASSOCIATES,  
INC.,

Civil Case No.

Plaintiff,

-against-

SALVATORE GIGANTE and LATOYA ALLEN,

Defendants.

**DECLARATION OF SHVETA KAKAR**

I, SHVETA KAKAR, declare under penalty of perjury as follows:

1. I am a partner at the law firm Pryor Cashman LLP, counsel for Plaintiff, Building Management Associates, Inc., (“BMA”) in the above-captioned matter.

2. Pursuant to Local Civil Rule 6.1(d) of the Local Rules of the United States District Court for the Southern District of New York, I respectfully submit this Declaration in support of BMA’s application for a temporary restraining order and preliminary injunction by order to show cause against Defendants Salvatore Gigante (“Sal”) and Latoya Allen (“Latoya”) (collectively “Defendants”), who, as described in BMA’s accompanying papers, are former employees of BMA that are currently attempting to transfer the entirety of BMA’s property management portfolio, as well as BMA’s employees, to a newly created company owned, controlled and/or managed by Defendants.

3. As discussed in the accompanying papers, BMA’s motion for a preliminary injunction seeks to enjoin Sal and Latoya and those in active concert or participation with them, from: (i) Interfering with BMA’s management of properties that are part of BMA’s property

management portfolio<sup>1</sup>; (ii) Transferring, or seeking to transfer, management of any of the Properties away from BMA to any other individual or entity owned, controlled and/or managed by them; (iii) Hiring any present or former BMA employees; (iv) Communicating with current

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<sup>1</sup> Specifically, the Property Owners and their respective properties managed by BMA (the “Properties”) are as follows: (1) Crotona Partners L.P., a New York limited partnership which owns the property located at 1883 Crotona Avenue, Bronx New York; Block 2946, Lots 42 and 47; (2) 479 Courtlandt Avenue Housing Development Fund Corporation, a New York not-for-profit corporation which owns the properties located at 479 Courtlandt Avenue, Bronx, New York; Block 2329, Lot 83; 485 Courtlandt Avenue, Bronx, New York; Block 2329, Lot 83; 515 Courtlandt Avenue, Bronx, New York; Block 2329, Lot 72; and 357 East 146th Street, Bronx, New York; Block 2329, Lot 83; (3) E. C. Housing Development Fund Company, Inc., a New York not-for profit corporation which owns the property located at 887 Southern Boulevard, Bronx, New York, Block 2722, Lot 40; (4) Erma Cava Housing Development Fund Company, Inc., a New York not-for-profit corporation which owns the property located at 923 Barretto Street, Bronx, New York, Block 2722 Lot 52; (5) Filomena Gardens Housing Development Fund Company, Inc., a New York not-for-profit corporation which owns the property located at 641 East 225th Street, Bronx, New York, Block 4827, Lot 29; (6) Fox Street Housing Development Fund Corporation, a New York not-for-profit corporation which owns the properties located at 575 East 161st Street, Bronx, New York; Block 2620, Lot 1, 800 Fox Street, Bronx, New York; Block 2721, Lot 1; (7) Hunts Point Housing Development Fund Corporation, a New York not-for-profit corporation which owns the properties located at 1150 Garrison Avenue, Bronx, New York; Block 2761, Lot 24, 1200 Seneca Avenue, Bronx, New York; Block 2762, Lot 45, 1212 Seneca Avenue, Bronx, New York; Block 2762, Lot 47, 1216 Seneca Avenue, Bronx, New York; Block 2762, Lot 49, 1220 Seneca Avenue, Bronx, New York; Block 2762, Lot 51, 854 Hunts Point Avenue, Bronx, New York; Block 2762, Lot 37, 850 Hunts Point Avenue, Bronx, New York; Block 2762, Lot 149, 866 Hunts Point Avenue, Bronx, New York; Block 2762, Lot 44, 721 Faile Street, Bronx, New York; Block 2763, Lot 158, 737 Faile Street, Bronx, New York; Block 2763, Lot 155, 817 Faile Street, Bronx, New York; Block 2762, Lot 23, 1274-76 Lafayette Avenue, Bronx, New York; Block 2763, Lot 80, and 663-67 Casanova Street, Bronx, New York; Block 2765, Lot 79; (8) 178th Street Housing Development Fund Company, Inc., a New York not-for-profit corporation which owns the property located at 2000 Washington Avenue, Bronx, New York; Block 3044, Lot 17; (9) PIO/VIP L.P., a New York limited partnership which owns the properties located at 1876 Belmont Avenue, Bronx, New York; Block 2946, Lot 1, and 1291 Lafayette Avenue, Bronx, New York; Block 2762, Lot 1; (10) Rosina Associates L.P., a New York limited partnership which owns the property located at 567 Southern Boulevard Bronx, New York; Block 2683, Lot 43, 852 East 163rd Street, Bronx, New York; Block 2690, Lot 73, 934 Barretto Street, Bronx, New York; Block 2723, Lot 25, 985 Intervale Avenue, Bronx, New York; Block 2699, Lot 52, and 994 Intervale Avenue, Bronx, New York; Block 2704, Lot 12; (11) SEBCO Housing Development Fund Company, Inc., a New York not-for-profit corporation which owns the property located at 980 Aldus Street, Bronx, New York; Block 2746, Lot 30; (12) St. Barnabas Housing Development Fund Company Inc., a New York not-for-profit corporation which owns the property located at 535-551 East 182nd Street, Bronx, New York; Block 3051, Lot 1; (13) Tiffany Gardens, L.P., a New York limited partnership which owns the property located at 870 Southern Boulevard, Bronx, New York; Block 2733, Lot 1; (14) Timpson Housing Development Fund Corporation, a New York not-for-profit corporation which owns the property located at 581 Timpson Place, Bronx, New York; Block 2603, Lot 35, 390 Jackson Avenue, Bronx, New York; Block 2573, Lot 71, 720 St. Mary’s Street, Bronx, New York; Block 2573, Lot 49, and 1070 Rev. James Polite Ave., Bronx, New York; Block 2691, Lot 67 (Collectively, the “Property”); and (15) Willis Avenue Associates, L.P., a New York limited partnership which owns the properties located at 288-290 Willis Avenue, Bronx, New York; Block 2284, Lot 4, 292 Willis Avenue, Bronx, New York; Block 2284, Lot 6, 495 Courtlandt Avenue, Bronx, New York; Block 2329, Lot 82, 580 Courtlandt Avenue, Bronx, New York; Block 2397, Lot 5, and 512 Jackson Avenue, Bronx, New York; Block 2579, Lot 10.

BMA employees for purposes of persuading them to resign from BMA and/or see employment with Defendants or any entity under ownership, control and/or management of Defendants; and (v) Communicating with any vendors engaged in servicing BMA and/or the Properties, including but not limited to MRI Securities LLC and Heat Inc.

4. Defendants have tortiously interfered with BMA's business relations by (i) causing all the Property Owners to simultaneously issue notices purportedly terminating the management arrangements *that BMA has had in place for 40 years*; (ii) soliciting BMA employees to join Latoya and him at their "new company" across the street, culminating already in the precipitous resignations of 9 employees in the last two weeks, including the head of building management, accounts payable and the bookkeeper; and (iii) contacting various BMA vendors to transfer the business to their new company, including, the MRI Securities LLC, which houses the database for the BMA Managed Properties.

5. Defendants' wrongful conduct is ongoing, relentless, and threatens imminent, irreparable harm to BMA. Proceeding by order to show cause, rather than notice of motion, is necessary to avoid additional, irreparable harm to BMA that would occur over the course of several weeks through the notice of motion process. Absent a temporary restraining order and preliminary injunction, there may be no business left to protect. Time is of the essence. BMA seeks no emergency or other affirmative relief pursuant to the order to show cause.

6. BMA has not made any previous application for similar relief.

7. On February 15, 2023 on or about 4:03pm, I notified both Defendants by email of BMA's intention to file its Complaint and application for TRO and Preliminary Injunction. Annexed hereto collectively as **Exhibit A** are the emails sent to notify Defendants.

8. Shortly thereafter, on or around 5:45pm I received a call from Sal's counsel confirming receipt of the notice.

9. As of the time of this filing, I have not received a response from Latoya or her counsel.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Executed on February 16, 2023

  
SHVETA KAKAR